

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FILED
AUSTIN DIVISION
1999 JAN 27 AM 11:02
U.S. CLERK'S OFFICE

CLOVER J. ROBINSON

§

§

V.

§

CIVIL NO. A-99-CA-055 SS

§

WILLIAM JEFFERSON CLINTON, ET AL.

§

BY: _____
DEPUTY

REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE

TO: THE HONORABLE SAM SPARKS
UNITED STATES DISTRICT JUDGE

The Magistrate Court submits this Report and Recommendation to the United States District Court pursuant to 28 U.S.C. § 636(b) and Rule 1 of Appendix C of the Local Court Rules of the United States District Court for the Western District of Texas, Local Rules for the Assignment of Duties to United States Magistrate Judges, as amended, effective January 1, 1994.

Before the Court is Plaintiff's Request to Proceed In Forma Pauperis filed on January 25, 1999. (Clerk's Docket No. 1). "The federal in forma pauperis statute, codified at 28 U.S.C. § 1915, allows an indigent litigant to commence a civil or criminal action in federal court without paying the administrative costs of proceeding with the lawsuit." *Denton v. Hernandez*, 112 S.Ct. 1728, 1730 (1992). The statute "is designed to ensure that indigent litigants have meaningful access to the federal courts." *Neitzke v. Williams*, 109 S.Ct. 1827, 1831 (1989). However, the Fifth Circuit has held that "there is no absolute 'right' to proceed in a civil action without paying a filing fee; this is a procedural privilege that Congress may extend or withdraw." *Strickland v. Rankin County Corr. Facility*, 105 F.3d 972, 975 (5th Cir. 1997)(citing *Startti v. United States*, 415 F.2d 1115, 1116 (5th Cir. 1969)).

After careful review of Plaintiff's affidavit, the Court finds that Plaintiff is not indigent.

According to Plaintiff's Financial Affidavit, Plaintiff currently has \$ 3,000 in her bank account. Therefore, Plaintiff can afford to pay the required filing fee. Accordingly, the Magistrate Court RECOMMENDS that the District Court DENY Plaintiff's Request for In Forma Pauperis.

RECOMMENDATION

The Magistrate Court RECOMMENDS that the United States District Court DENY Plaintiff's Request for In Forma Pauperis.

WARNINGS

The parties may file objections to this Report and Recommendation. A party filing objections must specifically identify those findings or recommendations to which objections are being made. The District Court need not consider frivolous, conclusive, or general objections. *Battles v. United States Parole Comm'n*, 834 F.2d 419, 421 (5th Cir. 1987).

A party's failure to file written objections to the proposed findings and recommendations contained in this Report within ten (10) days after the party is served with a copy of the Report shall bar that party from de novo review by the district court of the proposed findings and recommendations in the Report and, except upon grounds of plain error, shall bar the party from appellate review of unobjected-to proposed factual findings and legal conclusions accepted by the district court. *See* 28 U.S.C. § 636(b)(1)(C); *Thomas v. Arn*, 474 U.S. 140, 150-153, 106 S.Ct. 466, 472-74 (1985); *Douglass v. United Services Automobile Ass'n*, 79 F.3d 1415, 1428-29 (5th Cir. 1996) (*en banc*). The Clerks is ORDERED to mail each Party a copy of this Report and Recommendation by certified mail, return receipt requested.

SIGNED this the 27th day of January, 1999, at Austin, Texas.



ALAN D ALBRIGHT
UNITED STATES MAGISTRATE JUDGE